

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

ROYCE HOMES, L.P.,
Debtor.

§
§
§
§
§

CASE NO. 09-32467-H4-7
(Chapter 7)

RODNEY TOW, TRUSTEE,

Plaintiff,

VS.

AMEGY BANK N.A., *et al.*,
Defendants.

§
§
§
§
§
§

CIVIL ACTION NO. H-11-3700

ORDER

Amegy moved for partial summary judgment on the claims asserted against it in this adversary complaint. (Docket Entry No. 117). In its opposition to Amegy's summary judgment motion, the Trustee attached and referred to transcripts of its examinations of former Royce Homes owner John Speer, (Docket Entry Nos. 145, Ex. A; 142, Ex. B), and Amegy loan officer Chris Denison, (Docket Entry Nos. 146, Ex. F; 142 Ex. G). Amegy objected to the admissibility of the Rule 2004 examinations as part of the summary judgment record. (Docket Entry No. 158 at 14).

It appears that the Trustee has now deposed both Speer and Denison in this case. The Trustee is ordered to notify the court by May 10, 2013 whether it still intends to rely on the Rule 2004 examinations of Denison and Speer in opposing Amegy's summary judgment motion or whether that issue is moot. If the Trustee no longer intends to rely on the Rule 2004 examinations,

the Trustee has until May 24, 2013 to supplement its response to Amegy's summary judgment motion with deposition testimony by Denison and Speer. Amegy may file a reply by June 9, 2013.

SIGNED on May 2, 2013, at Houston, Texas.


Lee H. Rosenthal
United States District Judge